

RESOLUTION NO. 2005- 133

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING A 0.21 ACRE PARCEL OF COUNTY OWNED PROPERTY LOCATED ON THE SOUTHWEST SIDE OF AGRICULTURAL CENTER DRIVE AS SURPLUS PROPERTY APPROVING A PRIVATE SALE TO THE ONLY ADJOINING PROPERTY OWNER, PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.35(2), FLORIDA STATUTES AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE A COUNTY DEED ON BEHALF OF THE COUNTY.

WHEREAS, there has been a written request from an adjoining property owner to declare certain County owned property as surplus, more particularly described in Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the 0.21-acre parcel is part of property that was donated to the County on November 22, 1983 by the owners, Charles and Gabye Usina, who are requesting this parcel for access to their property, more particularly described in Exhibit "B", incorporated by reference and made a part hereof; and

WHEREAS, Agricultural Center Drive ends and the 0.21-acre parcel is needed for access to their property, and will avoid crossing an existing County owned 20-foot wide parcel that contains a water transmission line; and

WHEREAS, pursuant to Section 125.35(2), Florida Statutes, the Board of County Commissioners may effect a private sale when the value of a parcel is \$15,000.00 or less, and when, due to the size, shape, location and value it is determined by the Board of County Commissioners that the parcel is of use only to the adjacent property owner; and

WHEREAS, the buyer is requesting in writing the Mineral Reservation be released from the deed, more particularly described in Exhibits "C" and "D", incorporated by reference and made a part hereof; and

WHEREAS, it is in the best interest of the County to surplus this property and agree to convey this property to the owner that is adjoining the property and who is the owner who originally donated this property to the County.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Johns County, Florida, as follows:

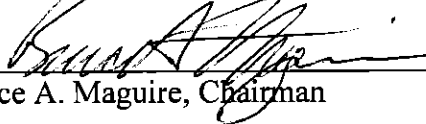
Section 2. It is found that all requirements of Section 125.35(2) F.S. for a private sale of the property described above have been met.

Section 3. The Board of County Commissioners hereby authorizes the Chairman to execute the County Deed and approves Releasing of Mineral Reservation from the County Deed, and closing this transaction.

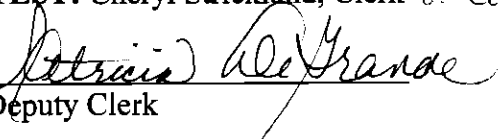
Section 4. The Clerk is instructed to record the original County Deed in the Official Records of St. Johns County, Florida.

PASSED AND ADOPTED this 18th day of MAY, 2005,
by the Board of County Commissioners of St. Johns County, Florida.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: 
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: 
Deputy Clerk

RENDITION DATE 5-19-05

EXHIBIT "A" to the Resolution

Charles R. Usina Living Trust and Gabye Lee Usina Living Trust
P O Box 162
Saint Augustine, Florida, 32085

March 14, 2005

St Johns County Board of County Commissioners
C/O Mr. Tony Cubbedge
Land Management Coordinator
Real Estate Division
St Johns County
4020 Lewis Speedway
St Augustine, Florida, 32084

Dear County Commissioners,

As we believe that you know, we gave some of our property holdings to Saint Johns County which is currently being used for the "Ag Center" on Agricultural Center Drive.

We are now requesting that you sell to us about ^{0.21 acres} ~~465 square feet~~ of property which you own next to that parcel for a price of \$10.00. A plat and legal description of that property is attached hereto. We will pay all the cost of the sale. We will also give to the county an easement to continue to use the parcel for your water transmission line.

Sincerely,


Charles R Usina, Trustee


Gabye Lee Usina, Trustee

MAP SHOWING

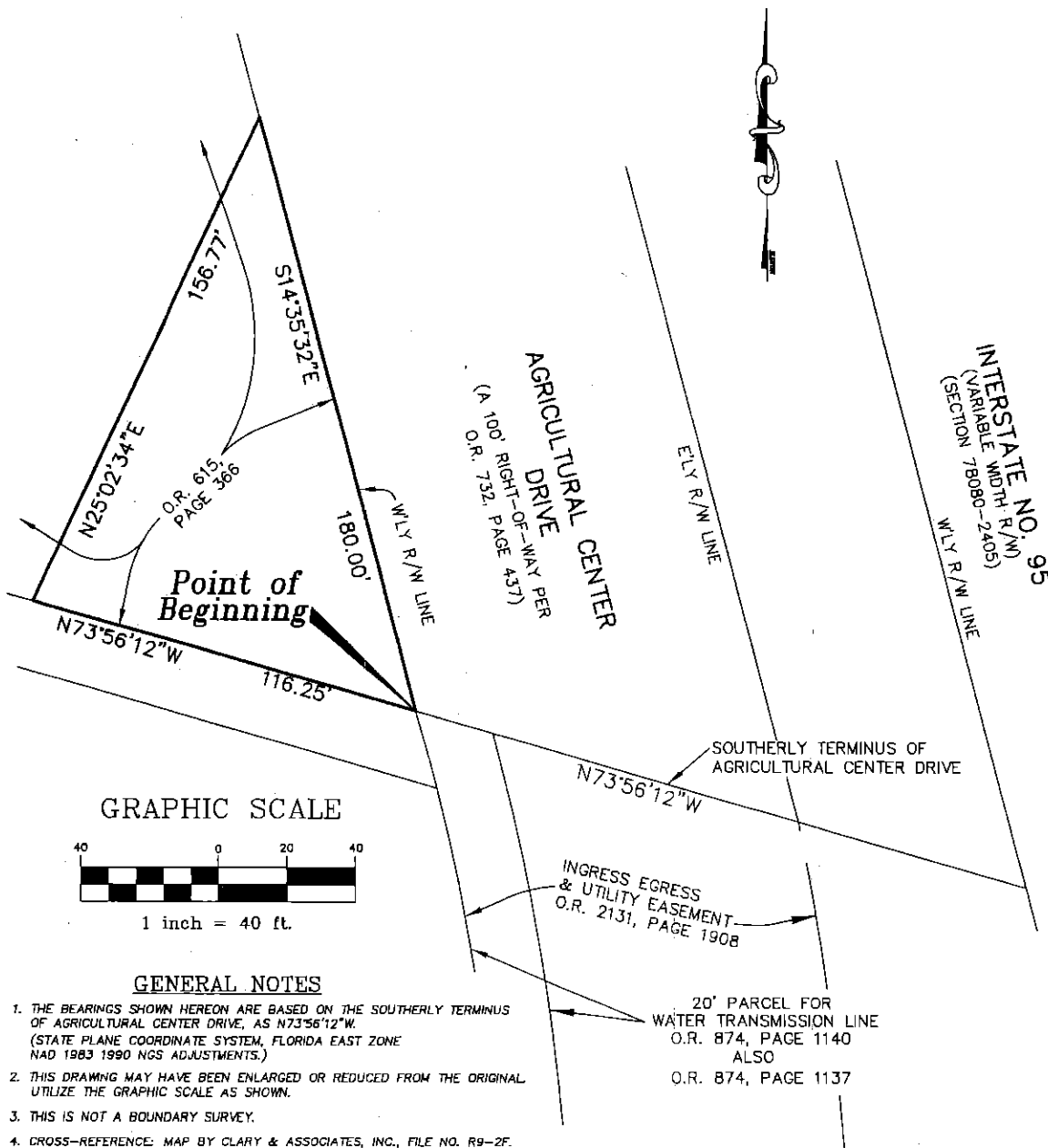
ACCESS EASEMENT

A PORTION OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

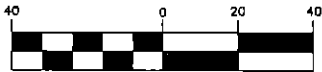
BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHERLY TERMINUS OF AGRICULTURAL CENTER DRIVE, A 100 FOOT RIGHT-OF-WAY PER OFFICIAL RECORD 732, PAGE 437, OF THE PUBLIC RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 615, PAGE 366, SAID PUBLIC RECORDS; THENCE NORTH 73°56'12" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 615, PAGE 366, A DISTANCE OF 116.25 FEET; THENCE NORTH 25°02'34" EAST, 156.77 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID AGRICULTURAL CENTER DRIVE; THENCE SOUTH 14°35'32" EAST, ALONG LAST SAID LINE, 180.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.21 ACRES, MORE OR LESS

FOR: EASTLAND CORPORATION



GRAPHIC SCALE



1 inch = 40 ft.

GENERAL NOTES

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY TERMINUS OF AGRICULTURAL CENTER DRIVE, AS N73°56'12"W. (STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE NAD 1983 1990 NGS ADJUSTMENTS.)
2. THIS DRAWING MAY HAVE BEEN ENLARGED OR REDUCED FROM THE ORIGINAL. UTILIZE THE GRAPHIC SCALE AS SHOWN.
3. THIS IS NOT A BOUNDARY SURVEY.
4. CROSS-REFERENCE: MAP BY CLARY & ASSOCIATES, INC., FILE NO. R9-2F.

DRAFTER: JRS, SPS

JOB No. 2005-324

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

UNLESS OTHERWISE SHOWN AND STATED HEREON, THIS MAP OR SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS, IN CHAPTER 81G17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND DOES NOT NECESSARILY MEET ANY OTHER NATIONAL OR REGIONAL STANDARDS.

Clary & Associates, Inc.

PROFESSIONAL LAND SURVEYORS
3830 CROWN POINT ROAD SUITE "A"
JACKSONVILLE, FLORIDA 32257
(904) 266-7703



LEGEND

- R/W = RIGHT-OF-WAY
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- O.R. = OFFICIAL RECORDS
- MB = MAP BOOK
- PG(S) = PAGE(S)
- L = ARC LENGTH
- T = TANGENT
- R = RADIUS
- CH = CHORD
- Δ = DELTA

DATE FEBRUARY 21, 2005

SCALE 1" = 40'

CHECKED BY: JRS

GREGORY B. CLARY, P.L.S. CERT. NO. 3377

EXHIBIT "C" to the Resolution

Charles R. Usina Living Trust and Gabye Lee Usina Living Trust
P O Box 162
Saint Augustine, Florida, 32085

March 14, 2005

St Johns County Board of County Commissioners
C/O Mr. Tony Cubbedge
Land Management Coordinator
Real Estate Division
St Johns County
4020 Lewis Speedway
St Augustine, Florida, 32084

Dear County Commissioners,

In regards to the sale of the attached parcel to us, we respectfully request that the reserved interest of all phosphate, minerals, metals, and petroleum normally contained in the County Deed be withheld. We are requesting this due to the fact that it creates a cloud on the title to the property which could prevent obtaining financing and/or developing the property.

Sincerely,


Charles R. Usina, Trustee


Gaybe Lee Usina, Trustee

EXHIBIT "D" to the Resolution

This Instrument Prepared By:
Daniel J. Bosanko, Esq.
County Attorney
4020 Lewis Speedway
St. Augustine, FL 32084

COUNTY DEED

THIS DEED, made without warranty of title or warranty of method of conveyance, this ____ day of _____, 2005, by **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084 hereinafter "Grantor", to **Charles R. Usina and Gabye Lee Usina, his wife, as TRUSTEES OF THE CHARLES R. USINA LIVING TRUST**, whose address is P.O. Box 162, St. Augustine, Florida 32085, hereinafter "Grantee". (Wherever used herein the term "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and their successors, and assigns of organizations).

WITNESSETH;

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, receipt and sufficiency being hereby acknowledged, hereby grants, bargains, sells, forever unto said Grantee, all that certain land, situate, lying and being in the County of St. Johns, State of Florida and more particularly described below. Pursuant to Florida law Section 125.411(3) F.S., this deed conveys only the interest in said land the Grantor has of the date of this conveyance, to wit:

SEE EXHIBIT "A", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (THE "PROPERTY")

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS COUNTY DEED is subject to the following non-exclusive list of exceptions:

- a. Special taxes and assessments, confirmed or unconfirmed, for improvements not yet completed, if any;
- b. Any state of facts which a good and accurate survey or inspection of the premises might reveal;

c. Federal, State, local government (County or City), development, construction, zoning and building laws or ordinances, rules, regulations and resolutions;

d. Rights, if any, of the public in any portion of the premises, which may fall within any public street, way or alley;

e. All acts of the Grantee occurring prior to, or subsequent to the date of this instrument;

f. Agreements, conditions, covenants, reservations, restrictions, and servitude of record;

g. Easements and rights of way of record.

IN WITNESS WHEREOF the said Grantor has caused the presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board, the day and year aforesaid.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

BY: _____

**Bruce A. Maguire
Chairman**

ATTEST: Cheryl Strickland, Clerk of Court

By: _____
Deputy Clerk

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by **Bruce A. Maguire**, Chairman of the Board of County Commissioners of St. Johns County, Florida, who is personally known to me and who did not take an oath.

Notary Public State of Florida
My Commission Expires: _____

**EXHIBIT "A" to the County Deed
MAP SHOWING**

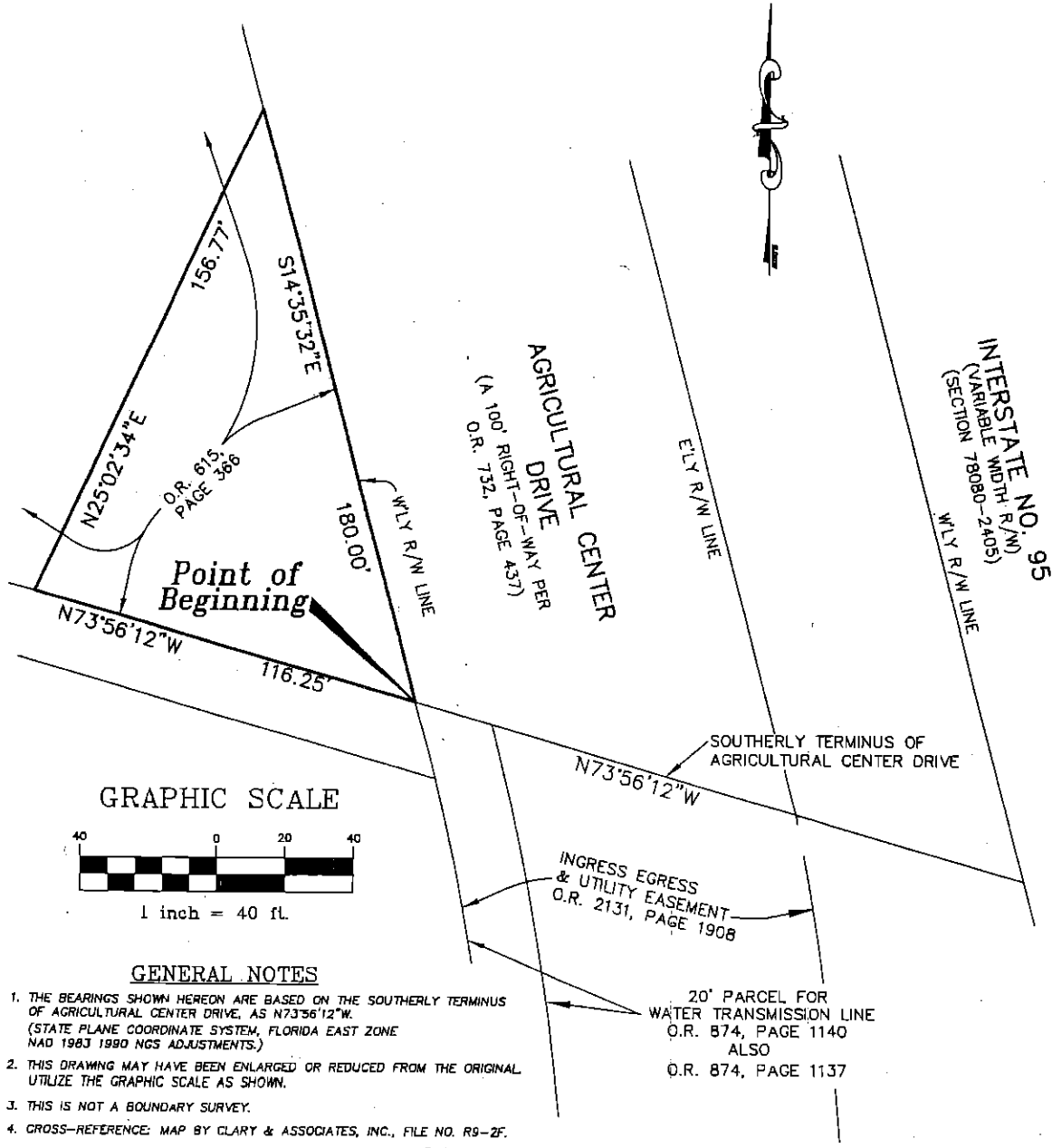
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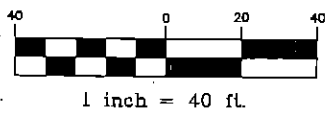
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FOR: EASTLAND CORPORATION



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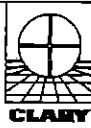
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PROFESSIONAL LAND SURVEYORS
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(904) 269-2703 LB NO. 3781



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DATE: FEBRUARY 21, 2005
SCALE: 1" = 40'

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